

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JON C. AMEDEE,

Plaintiff,

v.

CITIMORTGAGE, INC.,

Defendant.

Case No. 13-cv-03040-VC

**ORDER GRANTING MOTION TO  
DISMISS; DENYING MOTION TO  
STRIKE AS MOOT**

Re: Dkt. Nos. 42, 43

The defendant's motion to dismiss the second amended complaint is granted, because it does not cure the numerous deficiencies that resulted in dismissal of the previous version of the complaint. Amedee has added only a few conclusory allegations and general statements of law, which do nothing to correct the defects in his claims. Additionally, his claim under California Civil Code Section 2923.5 was previously dismissed with prejudice and should not have been included in this complaint. Accordingly, Amedee's claims are again dismissed, for the reasons provided by Judge Wilken in her prior order. *See* Doc. No. 40. Dismissal is with prejudice because Amedee has had two opportunities to amend his complaint and has been unable to state a claim for relief. Dismissal with prejudice means that Amedee may not file another amended complaint and this case is closed, although he has the right to appeal this court's ruling to the United States Court of Appeals for the Ninth Circuit, so long as he does so in a timely fashion and in compliance with that court's rules. The defendant's motion to strike is denied as moot. The hearing scheduled for Thursday, August 14, 2014 is vacated.

**IT IS SO ORDERED.**

Dated: August 13, 2014



VINCE CHHABRIA  
United States District Judge

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**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 8/13/2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jon C. Amedee  
C/O Aegis Document Mailing/Facsimile Services  
2287 Washington Avenue  
San Leandro, CA 94577-5917

Dated: 8/13/2014

Richard W. Wieking  
Clerk, United States District Court



By: \_\_\_\_\_  
Kristen Melen, Deputy Clerk to the  
Honorable VINCE CHHABRIA